

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN J. NEALEN, :  
Plaintiff, :  
v. : Case No. 3:06-cv-219-KRG-KAP  
STEPHEN F. KAZMER, et al., :  
Defendants :  
:

MEMORANDUM ORDER

The plaintiff's motion for reconsideration, docket no. 27, was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on October 12, 2007, docket no. 28, recommending that plaintiff's motion be denied. The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. No one has objected, and the time to do so has expired.

Upon review of the record of this matter and the Report and Recommendation, the following order is entered:

AND NOW, this 2<sup>nd</sup> day of October 2008, it is

ORDERED that plaintiff's motion for reconsideration, docket no. 27, is dismissed. The Report and Recommendation is adopted as the opinion of the Court.

BY THE COURT:



KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

John J. Nealen  
P.O. 221  
Nicktown, PA 15762